

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

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In Re: ) Case No. 23-30564  
 ) Chapter 11  
THE ROMAN CATHOLIC ARCHBISHOP )  
OF SAN FRANCISCO ) San Francisco, California  
 ) Thursday, August 24, 2023  
Debtor. ) 1:30 PM  
 )

DEBTOR'S EMERGENCY MOTION FOR  
INTERIM AND FINAL ORDERS (1)  
PROHIBITING UTILITY COMPANIES  
FROM ALTERING, REFUSING OR  
DISCONTINUING SERVICE, (2)  
DETERMINING ADEQUATE  
ASSURANCE OF PAYMENT FOR  
POST-PETITION UTILITY  
SERVICES UNDER 11 U.S.C. §  
366, (3) ESTABLISHING  
PROCEDURES FOR DETERMINING  
ADEQUATE ASSURANCE OF  
PAYMENT, AND (4) SCHEDULING A  
FINAL HEARING FILED BY THE  
ROMAN CATHOLIC ARCHBISHOP OF  
SAN FRANCISCO [8]

DEBTOR'S EMERGENCY  
APPLICATION FOR ENTRY OF AN  
ORDER (I) AUTHORIZING AND  
APPROVING THE APPOINTMENT OF  
OMNI AGENT SOLUTIONS, INC. AS  
CLAIMS AND NOTICING AGENT,  
AND (II) GRANTING RELATED  
RELIEF FILED BY THE ROMAN  
CATHOLIC ARCHBISHOP OF SAN  
FRANCISCO [11]

DEBTOR'S EMERGENCY MOTION TO  
(1) ESTABLISH NOTICE  
PROCEDURES, (2) FILE  
CONFIDENTIAL INFORMATION  
UNDER SEAL, AND (3)  
TEMPORARILY SUSPEND DEADLINE  
FOR FILING PROOFS OF CLAIMS  
FILED BY THE ROMAN CATHOLIC

1 ARCHBISHOP OF SAN FRANCISCO  
2 [10]

3 DEBTOR'S EMERGENCY MOTION FOR  
4 ORDER (1) AUTHORIZING PAYMENT  
5 OF PREPETITION WAGES,  
6 SALARIES, AND EMPLOYEE  
7 EXPENSES; (2) TO PAY ACCRUED  
8 EMPLOYEE BENEFITS AND TAXES;  
9 AND (3) DIRECTING BANKS TO  
10 HONOR PAYROLL AND EXPENSE  
11 CHECKS FILED BY THE ROMAN  
12 CATHOLIC ARCHBISHOP OF SAN  
13 FRANCISCO [7]

14 DEBTOR'S EMERGENCY MOTION FOR  
15 INTERIM AND FINAL ORDERS (1)  
16 AUTHORIZING CONTINUED USE OF  
17 EXISTING CASH MANAGEMENT  
18 SYSTEM, OPERATIONAL BANK  
19 ACCOUNTS AND RELATED  
20 INVESTMENT ACCOUNTS; (2)  
21 AUTHORIZING MAINTENANCE OF  
22 EXISTING BUSINESS FORMS, (3)  
23 EXCUSING COMPLIANCE WITH  
24 SECTION 345(B); (4)  
25 AUTHORIZING CONTINUED USE OF  
CURRENT INVESTMENT POLICY;  
AND (5) SCHEDULING A FINAL  
HEARING FILED BY THE ROMAN  
CATHOLIC ARCHBISHOP OF SAN  
FRANCISCO [9]

DEBTOR'S EMERGENCY MOTION TO  
CONTINUE INSURANCE PROGRAMS  
FILED BY THE ROMAN CATHOLIC  
ARCHBISHOP OF SAN FRANCISCO  
[12]

DEBTOR'S EMERGENCY MOTION FOR  
INTERIM AND FINAL ORDERS  
AUTHORIZING THE DEBTOR TO (1)  
PAY CERTAIN PREPETITION  
INVOICES FOR ABUSE SURVIVORS'  
ASSISTANCE AND SAFE  
ENVIRONMENT PROGRAMS, AND (2)  
CONTINUE ITS PREPETITION  
PRACTICE OF PAYING FOR ABUSE  
SURVIVORS ASSISTANCE AND SAFE

ENVIRONMENT PROGRAMS FILED BY  
THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO [13]

HEARING REGARDING CASE  
MANAGEMENT

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DENNIS MONTALI  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (All present by video or telephone):

For the Debtor: PAUL J. PASCUZZI, ESQ.  
Felderstein Fitzgerald Willoughby  
Pascuzzi & Rios LLP  
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Sacramento, CA 95814  
(916)329-7400

For the Debtor: ORI KATZ, ESQ.  
Sheppard, Mullin, Richter &  
Hampton LLP  
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17th Floor  
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(415)774-3238

For the Debtor: PAUL E. GASPARI, ESQ.  
Weintraub Tobin Chediak Coleman &  
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(415)772-9618

For Office of the U.S.  
Trustee: JASON BLUMBERG, ESQ.  
United States Department of  
Justice  
501 I Street  
Suite 7-500  
Sacramento, CA 95814  
(916)930-2076

Also Present: Paul H. Deutch  
Executive Vice President, Omni  
Agent Solutions, Inc.

Joseph J. Passarello  
Chief Financial Officer

1 Paula Carney  
2 Debtor's Representative

3 Wayne Weitz  
4 Debtor's financial advisor  
5 professional

6 Paul H. Deutch  
7 Executive Vice President, Omni  
8 Agent Solutions, Inc.

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18 Court Recorder: LORENA PARADA  
19 United States Bankruptcy Court  
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San Francisco, CA 94102

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**The Roman Catholic Archbishop Of San Francisco**

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1 SAN FRANCISCO, CALIFORNIA, THURSDAY, AUGUST 24, 2023, 1:31 PM

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3 (Call to order of the Court.)

4 THE CLERK: Court is now in session, the Honorable  
5 Dennis Montali presiding. Calling the matter of the Roman  
6 Catholic Archbishop of San Francisco, case 23-30564.

7 THE COURT: All right. Good afternoon, everyone.  
8 Welcome to the San Francisco Bankruptcy Court remote edition.  
9 And let me get the appearances of principal counsel. And for  
10 counsel, at the moment, let's defer for the time being the  
11 introduction of the representatives of the debtor. But let me  
12 just get the counsels' appearances.

13 MR. PASCUZZI: Thank you, Your Honor. Paul Pascuzzi,  
14 Felderstein Fitzgerald Willoughby Pascuzzi & Rios, for the  
15 debtor, the Roman Catholic Archbishop of San Francisco, a  
16 corporation sole. We do have cocounsel on the line as well.

17 THE COURT: And is that Mr. Katz? Is he going to make  
18 an appearance? Yes.

19 MR. KATZ: Yes, Your Honor. Good afternoon. Ori  
20 Katz, Sheppard, Mullin, Richter & Hampton, appearing as  
21 proposed cocounsel to the debtor.

22 THE COURT: Good afternoon, Mr. Katz.

23 Mr. Blumberg.

24 MR. BLUMBERG: Good afternoon, Your Honor. Jason  
25 Blumberg for the United States Trustee.

1 THE COURT: Okay. Well, Mr. Pascuzzi, consistent with  
2 the order that I issued and your response to my clerk, why  
3 don't you go ahead and introduce the client representatives and  
4 then make whatever kind of an appropriate statement that you  
5 would like to make as the first hearing in this important case.

6 MR. PASCUZZI: Thank you, Your Honor. I noticed that  
7 Father Patrick Summerhays is not at least on the windows that I  
8 see. If he's out there, if we could add him, please.

9 THE COURT: Yes. Well, Father Summerhays, if you're  
10 there, I see you are there. I see your name on the list. You  
11 need to raise your hand if you're ready to come in, and my  
12 staff will bring you in. Let's keep a lookout for him and go  
13 ahead with your other introductions, Mr. Pascuzzi.

14 MR. PASCUZZI: Okay. Thank --

15 THE CLERK: Excuse me, Your Honor.

16 THE COURT: Yes.

17 THE CLERK: Father Summerhays has joined.

18 THE COURT: Okay.

19 MR. PASCUZZI: Okay. Your --

20 FR. SUMMERHAYS: I apologize, Your Honor.

21 THE COURT: No problem.

22 MR. PASCUZZI: Your Honor, so the client team we have  
23 here with us includes Father Patrick Summerhayes, who's the  
24 vicar general and moderator of the curia for the debtor. We  
25 filed the application to appoint him as the responsible

1 individual, which I understand the Court has issued that order.

2 We also have the debtor's CFO, Joseph Passarello, who  
3 is the primary declarant on the first day motion declarations.  
4 We have in-house counsel for the debtor Paula Carney. We also  
5 have state court litigation counsel from the Weintraub Tobin  
6 firm in San Francisco, Paul Gaspari. We have a representative  
7 from the proposed noticing agent Omni. That's Paul Deutch. We  
8 might need him a little bit later. And then Wayne Weitz -- I  
9 see him there, Wayne Weitz from B. Riley, who is our proposed  
10 financial advisors.

11 THE COURT: Well, welcome to all of the individuals.  
12 I haven't seen Mr. Gaspari in an awful long time, but we go  
13 back many decades and --

14 MR. GASPARI: It's good to see you, Your Honor.

15 THE COURT: Nice to see you.

16 And Mr. Passarello, I don't need you to say anything,  
17 but I want to thank you for the very comprehensive declaration  
18 by way of background. In any Chapter 11, any time, it's very  
19 helpful to get the kind of background. I don't need to have it  
20 repeated again, but it was quite useful and informative.

21 Mr. Pascuzzi, why don't you say what you wish to say  
22 by way of introduction -- I mean, by opening comment, and then  
23 we'll deal with the various motions and housekeeping matters.

24 MR. PASCUZZI: Okay. Thank you, Your Honor. As you  
25 likely saw from the papers, Your Honor, the debtor, the Roman

1 Catholic Archbishop of San Francisco, has been around for over  
2 150 years since it was incorporated as a California corporation  
3 sole in 1854. The primary role of the debtor is to provide  
4 resources, spiritual leadership, direction, support, planning,  
5 leadership development, and other services to individuals of  
6 the Roman Catholic faith, the eighty-eight parishes, numerous  
7 schools, cemeteries, and other Catholic-based social and  
8 community-service organizations that operate in the archdiocese  
9 territory. We outlined many of those organizations and their  
10 legal civil status in the Passarello declaration.

11 THE COURT: I want to interrupt you just for a minute.

12 For all the people who are on the camera, you're  
13 welcome to stay on the camera, but I find that some people are  
14 uncomfortable with that. And I don't want you to feel  
15 embarrassed if you want to turn your camera off or pay  
16 attention by listening. But if you stay on, that's fine, too.

17 All right. Sorry. Go ahead. Mr. Pascuzzi.

18 MR. PASCUZZI: Thank you, Your Honor. So we're here  
19 because in January 2020, California again reopened the statute  
20 of limitations for child sexual abuse claims via what we call  
21 AB 218. It's actually codified in the California Code of Civil  
22 Procedure at Section 340.1, which revived claims previously  
23 barred by the statute of limitations. The statutory amendment  
24 created a three-year window that closed December 31st, 2022.

25 Approximately 537 complaints have been filed against



1 the debtor, and they're pending in a joint coordinated  
2 proceeding, 5108, in the Alameda County Superior Court. There  
3 were two cases set for trial in San Francisco County Superior  
4 Court this yesterday, August 23rd. Mediation efforts prior to  
5 trial were unsuccessful. There were two other cases selected  
6 to be set for trial and were likely to be scheduled for a  
7 little bit later this year.

8 The debtor and state court counsel at Weintraub Tobin  
9 reviewed the AB 218 claims as best as possible, given the  
10 information available. As far as we can tell now, these AB 218  
11 claims are all historical claims. The dates of alleged abuse  
12 range from the 1950s to approximately 2008.

13 Nearly half of the clergy members who were previously  
14 accused and nearly half involve clergy members who are  
15 previously accused in the last reopening of the statute of  
16 limitations or clergy members long since deceased. That seems  
17 to be typical in these Chapter 11 cases in California filed so  
18 far, which means to us that the efforts outlined in the  
19 Passarello declaration of the debtor and other dioceses are  
20 working to help stop this horrific problem.

21 The debtor filed this case to reorganize its financial  
22 affairs due to the AB 218 lawsuits. It was basically a  
23 preventing-a-race-to-the-courthouse situation, where some  
24 claimants get to the courthouse first and get treated better  
25 than others who end up later. So to ensure that the debtor

1 fulfills both its foundational and moral obligations to the  
2 survivors, the faithful, and others who've put their trust in  
3 the Roman Catholic Archbishop of San Francisco, it's made the  
4 difficult decision to commence this case.

5 Your Honor, there have been about thirty or so of  
6 these Catholic diocese/archdiocese religious order Chapter 11  
7 cases over the years. You may know that my firm filed one of  
8 those cases in 2014, the Roman Catholic Bishop of Stockton in  
9 Sacramento. And my office is currently handling the Roman  
10 Catholic Bishop of Santa Rosa case, pending in the Oakland  
11 division before Judge Novak.

12 Generally, the way these cases go is a global  
13 mediation with all parties-in-interest, including the debtor,  
14 the committee, and insurance companies. First, we obtain our  
15 critical relief in the first day motions. We get the schedules  
16 filed, employ professionals, participate in the initial debtor  
17 interview with the U.S. Trustee, have the 341 meeting.

18 The committee gets appointed. It gets its  
19 professionals. As part of the process, the committee will want  
20 information from the debtor and about its insurance and other  
21 things. If everyone plays nicely, usually we can do that  
22 informally.

23 We work with the committee that will be appointed to  
24 put together claims, noticing procedures, and deadlines that  
25 would be approved by the Court. That just occurred in the

1 Santa Rosa and Oakland diocese cases. We work with the  
2 committee and the other parties-in-interest to select a  
3 mediator once everybody's ready, and we establish mediation  
4 procedures. One of our goals in this case, Your Honor, is to  
5 do our part to be ready for that mediation as early as  
6 possible. Then we go to the mediation and hopefully come out  
7 with a Chapter 11 plan.

8 Your Honor, that was basically the opening and  
9 background statement that I wanted to make. I know your order  
10 mentioned you wanted to go over some other things before we  
11 dive into the motions, but between Mr. Katz and I, we'll be  
12 handling -- we've divided up responsibility for each of the  
13 motions.

14 THE COURT: No, that's the kind of statement that I  
15 wanted you to make. And to the extent that you repeated some  
16 of the historical facts, again, I complimented Mr. Passarello  
17 for his declaration. I suppose you and Mr. Katz and others had  
18 a hand in helping him prepare it, but the point is that it's  
19 very traditional for the first day.

20 Remember, you and I and Mr. Katz, the bankruptcy  
21 people, know the drill here, and first day motions sometimes  
22 occur on the hundredth day and sometimes they occur on the  
23 first day and this one's on the fourth day. But it's the first  
24 opportunity for the judge to learn some information, and it's  
25 very helpful. And it puts context to -- there's not much that

1 surprised me about what you've described.

2 This is the first Roman Catholic diocese case that I  
3 presided over, but I did serve as the mediator for a few days  
4 in the very early bankruptcy of the Portland Catholic Diocese.  
5 I sorry to report that the mediation that I was involved with  
6 was not successful. But the point is, I had a lot of exposure  
7 to the issues, and I'm familiar with it and the way it plays  
8 out.

9 I'm going to make just a couple of other statements.  
10 You and Mr. Katz, again, are long-time veterans of me. I've  
11 been on the bench longer than most bankruptcy judges now. And  
12 I take some pride in moving cases through.

13 And again, you, personally -- this is to stroke Mr.  
14 Pascuzzi a little bit -- has played a major role in the PG&E  
15 bankruptcies that's been before me, and those cases involve  
16 enormous tragedies for people who didn't choose to take the  
17 risk of becoming creditors like the survivors of the abuse  
18 here. And unlike creditors who loaned money and take a risk,  
19 that's not the case for fire victims or abuse victims or mass  
20 tort victims. And I take some pleasure in trying to play a  
21 role in making sure that the system moves and the bankruptcy  
22 structure does not become an impediment.

23 Again, this is not a contest. I'm not in it for  
24 anything other than to do my job. But let me say that Chapter  
25 11, from my point of view, is not a parking lot. In simpler

1 cases, I've pointed out that it's more like a car wash. That's  
2 a lousy metaphor for this case. But I welcome the commitment  
3 from you and your clients, and I hope that comes from everyone  
4 else to make sure this case moves. And so if it's going to be  
5 successful, it should move successfully. If it's going to be  
6 unsuccessful, then we should know that, too, on an expedited  
7 basis.

8 I'm going to make another general comment. It has  
9 nothing to do with how I will make decisions before me. But  
10 I'm a native of the Bay Area, and I don't believe someone who  
11 suffered abuse in San Rafael should be treated any differently  
12 from someone who suffered it in Novato or in Walnut Creek.

13 And this is the metropolitan area of the Northern  
14 California -- the Northern District of California. And my two  
15 colleagues in the Oakland court, I'm not second guessing them,  
16 nor do I think they will second guess me. But I want to do  
17 everything possible to make sure that at least procedurally, a  
18 survivor of abuse in any of the three places, or God forbid,  
19 maybe a survivor who is already in more than one of them, that  
20 the same procedures be treated fairly and administratively  
21 simple so that there is no disadvantage.

22 The strength or the weakness of any particular  
23 claimant's claim should turn on the merits and the defenses,  
24 not on the fact that this case was filed in August and the  
25 Oakland case was filed in whatever it was, May, and the Santa

1 Rosa case was filed in -- two months before that or whatever.  
2 You know the answers. And so therefore, to the extent that we  
3 can make things similar, I want that to be one of the goals for  
4 you and Mr. Katz, particularly, as you bring these matters  
5 before me. I won't dwell on that today. There's not much we  
6 need to talk about.

7 I will make another statement for those of you on the  
8 screen here who have never been involved in a bankruptcy  
9 before. A lot of what we do is pretty routine and pretty not  
10 very exciting, but it's pretty necessary, including some of the  
11 matters that we're dealing with today. And today is, as I told  
12 you, it's my first opportunity to learn what we've been talking  
13 about and to deal with these matters that for most instances  
14 shouldn't and can't wait. There are lots of things that are  
15 much more deliberate than Mr. Pascuzzi mentioned, the  
16 mediation, the plan process, the involvement of other players  
17 like the creditors committee.

18 And also, more importantly for laypersons or others  
19 monitoring this case, in a few weeks, there will be a meeting  
20 of creditors presided over, not by a judge, but by the United  
21 States Trustee. And at that meeting of creditors, individuals  
22 will be allowed to question representatives of the debtor and  
23 to comment and do things. That's why it's not appropriate  
24 today. I don't want to seem insensitive to the views of people  
25 who are interested in the case. I'm obviously very concerned

1 about all of those. But we have to deal with what the law  
2 requires today, and that's to deal with these, I'm going to  
3 say, administrative matters.

4 So with that, Mr. Pascuzzi, I'd like to turn to the  
5 two motions that the United States Trustee objected to, unless  
6 you want to do something in a different way, because I've  
7 already given you my tentative thinking on the motions. But  
8 Mr. Blumberg was good enough to spend a lot of time preparing  
9 his concerns. Are you ready to discuss those two?

10 MR. PASCUZZI: Yes, Your Honor. And Mr. Katz and Mr.  
11 Blumberg had a meet and confer this morning. So those two  
12 motions, the cash management and payroll motions, I'll turn  
13 over to Mr. Katz to address, and then --

14 THE COURT: Okay.

15 MR. PASCUZZI: -- we can go from there.

16 THE COURT: Mr. Katz, please.

17 MR. KATZ: Thank you, Your Honor. I did meet and  
18 confer this morning with Mr. Blumberg, and I also want to thank  
19 him for filing the objection and framing the issues in writing,  
20 which is always helpful.

21 THE COURT: He did a -- I would say so too. He did  
22 a -- he did a very good job in a very short time frame.  
23 Appreciate it.

24 MR. KATZ: He did, Your Honor. And also, I want to  
25 thank him for making himself available this morning to talk it

1 through. We've discussed the concerns he raised, and I'm  
2 pleased to report that we've resolved them. And so my idea is  
3 to walk the Court through the resolution and then see if Mr.  
4 Blumberg agrees with how I framed it up and then do the same  
5 thing with respect to the wages motion, where we --

6 THE COURT: Okay.

7 MR. KATZ: -- also have a resolution.

8 THE COURT: Okay. Go for it.

9 MR. KATZ: So there are four main points, Your Honor,  
10 that we've talked through. The first is actually my statement  
11 right now on the record that the debtor acknowledges that the  
12 United States Trustee, any statutory committee or committees  
13 appointed in the case, or any other party-in-interest reserve  
14 all rights, including under Section 345(b) of the Bankruptcy  
15 Code, to object or otherwise challenge the proposed treatment  
16 of the B of A investment account and the investment pool  
17 account that's invested with fund managers in the separate  
18 custodial accounts with U.S. Bank.

19 That language I just recited, in addition to my  
20 statement on the record, is going to be added and has been  
21 added to the interim order as well. That interim order, Your  
22 Honor, is at docket 9 of our filing. It's starting at page 29  
23 of 35. And we'll include it there, and we'll, of course, run  
24 the form of order by Mr. Blumberg before uploading. That's  
25 number one, Your Honor.



1           Number two, we've added language at the end of  
2 paragraph 2 of the interim order. And Your Honor, this is at  
3 page 30 of 35. And for this one, it might be helpful for you  
4 to turn to that page and get to paragraph 2.

5           THE COURT: Yeah, I was looking. I was trying to  
6 follow you. I'll do that in a moment. I was looking at the  
7 bullet points that Mr. Blumberg indicated, little items (a)  
8 through (g) on page 13 of his filing. So give me a second  
9 here.

10          MR. KATZ: Yes, Your Honor, (a) through (g) are going  
11 to be my fourth point, Your Honor, because we covered those as  
12 well.

13          THE COURT: Yeah, but I've got to slow you down for a  
14 minute. Okay. This is tab 4 in the binder. And you're  
15 telling me it's the proposed order there.

16          MR. KATZ: That's right, which it's docket 9, starting  
17 at page 30. Wait, excuse me. Starting at page --

18          THE COURT: Oh, I (indiscernible). You were nice  
19 enough to get me all these copies, but they don't have the  
20 docket footers.

21          MR. KATZ: Oh, so --

22          THE COURT: That's because you got them to me in a  
23 hurry.

24          MR. KATZ: That's right, Your Honor. It's --

25          THE COURT: Wait, never mind. Hold on. I'll catch

1 (indiscernible).

2 MR. KATZ: Okay. Okay.

3 THE COURT: Well, you know what, actually, I don't see  
4 it, so okay. Give me a second. I can pull it up on the  
5 screen. I guess, am I missing something, Mr. Katz? It's not  
6 in the proposed -- in the hard-copy binder you gave me, isn't  
7 it?

8 MR. KATZ: Your Honor, it would have been Exhibit 1,  
9 probably behind the Passarello declaration, or maybe even  
10 sandwiched between that and the motion itself as Exhibit 1. So  
11 if we didn't have tab that binder for you in our rush to get it  
12 over, it may be hidden.

13 THE COURT: One second. I'll see if I can find it  
14 because it's not a problem. I don't want to get bogged down on  
15 this. Let me look at that exhibit. And the last thing that I  
16 do is waste time by my trying to find the document.

17 Now, I'm going to -- give me one second, Mr. Katz.  
18 I'm going to bring it up on the screen. So tell me again the  
19 docket number, please.

20 MR. KATZ: Docket number 30, Your Honor.

21 MR. PASCUZZI: No, docket 9 --

22 MR. KATZ: I apologize, Your Honor. Page 30 of --

23 MR. PASCUZZI: -- at page 30.

24 MR. KATZ: -- docket 9. Thank you, Mr. Pascuzzi.

25 THE COURT: Yeah. Got it. Got it. Got it. Okay.

1 MR. KATZ: And Your Honor, docket 9 is the motion  
2 itself, but it's an exhibit to the motion.

3 THE COURT: Yeah, it's just coming up on my screen.

4 MR. KATZ: Okay.

5 THE COURT: One second. I'm a little slow, and I'm  
6 used to -- I have the whole docket here coming up on the  
7 screen, and I can look at it. But really, you wanted me to  
8 look at the particular language that's being changed slightly;  
9 is that --

10 MR. KATZ: Correct, Your Honor.

11 THE COURT: Okay. And so what is the -- tell me again  
12 the page number, the footer --

13 MR. KATZ: Yeah, it's page 30 of 35, and I'm --

14 THE COURT: Got it.

15 MR. KATZ: -- looking at paragraph 2.

16 THE COURT: Okay.

17 MR. KATZ: And really, I'm focused on the end of that  
18 paragraph, lines 25 and 26, where it reads, "ascertain to trace  
19 recorded properly and distinguished between pre-petition and  
20 post-petition transactions". And then instead of a period  
21 there, we have a comma, and we've added the words "and between  
22 debtor and nondebtors". And this relates to a comment from Mr.  
23 Blumberg that he was concerned that we would be able to trace  
24 and track transfers pre and post-petition, but we were silent  
25 as to whether we could also trace between debtor and nondebtor.

1 We can, and we've added that explicitly at the end of paragraph  
2 2 to speak to the concern.

3 THE COURT: Okay. I got it.

4 MR. KATZ: Okay.

5 THE COURT: I'm there.

6 MR. KATZ: Third change, Your Honor, is also a  
7 statement on the record by me, which is that the debtor  
8 acknowledges that the relief being sought is expressly interim  
9 in nature only.

10 And then finally, fourth, Your Honor, I now am turning  
11 to paragraph 35, (a) through (g) of U.S. Trustee's objection,  
12 which is docket 25.

13 THE COURT: Right. And I have that in my hand. Yeah,  
14 I have the hard copy --

15 MR. KATZ: Okay.

16 THE COURT: -- of it right here so --

17 MR. KATZ: And what I thought I would do is just run  
18 through those relatively quickly.

19 In paragraphs A, B, and C. Your Honor, we're going to  
20 revise those so that the debtor will use reasonable efforts to  
21 close or designate the respective accounts, and the debtor will  
22 provide proof of same, either that the accounts' been closed or  
23 designated, within three business days of such closure or  
24 designation. The thought here, Your Honor, is just a hard  
25 fifteen-day deadline where the result is potentially in the

1 hands of a banking institution that may move slowly. And we  
2 didn't want to be in a situation where we're potentially  
3 running afoul of a court order. So we just gave ourselves a  
4 little wiggle room, and we're going to work in good faith to  
5 get it done prior to fifteen days (indiscernible) --

6 THE COURT: And let me -- no, that's fine and very  
7 understandable. But Mr. Blumberg, what struck me when I read  
8 your objection, in paragraph (c), (c), so it's 35(c), I didn't  
9 see U.S. Bank, and I wonder if that was just an oversight.  
10 U.S. Bank is already listed as one of the qualified  
11 depositories, but don't you want the debtor-in-possession label  
12 on that one as well, or not?

13 MR. BLUMBERG: Thank you, Your Honor. Jason Blumberg  
14 for the United States Trustee. The thinking there, Your Honor,  
15 is that while U.S. Bank is an authorized depository, the  
16 account that is at issue here is an investment account, and I'm  
17 actually not a hundred percent sure it's actually at U.S. Bank.  
18 It might be at a securities arm at U.S. Bank. So that'll  
19 probably be something we need to explore after the hearing with  
20 Mr. Katz and (indiscernible).

21 THE COURT: Okay. That's good enough for me. Okay.  
22 Go ahead, Mr. Katz, then.

23 MR. KATZ: Thank you, Your Honor. So then just moving  
24 along to paragraphs (d) and (f), those are unchanged, and so  
25 those will be adopted as written into the revised and redlined

1 interim order.

2 And then at paragraph (g), that change, that is not  
3 going to be made. That is coming out because the change we  
4 made at the end of paragraph 2 spoke to the concern there about  
5 tracing.

6 THE COURT: Okay. And that's fine. I understand  
7 that. But when I went through (a) through (g), I wrote in the  
8 margin, what about B of A securities, which was identified in  
9 the text of the U.S. Trustee's objection but not in the interim  
10 order list.

11 So Mr. Blumberg, was that an oversight there or not?

12 MR. BLUMBERG: Thank you, Your Honor. Jason Blumberg  
13 for the United States Trustee. I think, in effect, we're  
14 punting on BofA -- Bank of America Securities and the U.S. Bank  
15 pooled investment account. As Mr. Katz indicated, all of the  
16 United States Trustee's rights, including to raise an objection  
17 under Section 345(b), will be preserved. This is just for  
18 purposes of the interim relief that would be --

19 THE COURT: Okay.

20 MR. BLUMBERG: -- granted today.

21 THE COURT: Okay. Then that's perfectly fine with me.  
22 And I realize, again, going back to my compliment to you,  
23 you've covered a lot of ground in short time, and I was trying  
24 to keep up with you with all the accounts. And it looks like  
25 you and Mr. Katz have solved the problem. So I'm good to go

1 with everything you described, Mr. Katz.

2 MR. KATZ: Thank you, Your Honor. So we've prepared a  
3 redlined order that we're running by Mr. Blumberg now and  
4 anticipate having that uploaded this afternoon. I'm ready to  
5 move on to the wages motion next.

6 THE COURT: Well, let me say, is there anyone who  
7 wished to be heard who hasn't appeared yet in response to or  
8 regarding what we'll call the cash account motion that the U.S.  
9 Trustee and Mr. Katz have been working on? Raise your hand if  
10 you want to be heard on that subject. If not, we'll move on.

11 And Ms. Parada, please let me know if there are any  
12 hands up. I don't see any; do you?

13 THE CLERK: No one has raised a hand. No, Your Honor.

14 Okay. So Mr. Katz, I'm satisfied with the resolution.  
15 I compliment you and Mr. Blumberg for working it out. And so  
16 we can consider this a closed subject. The motion will be  
17 granted as to the cash accounts motion as modified on this  
18 record.

19 MR. KATZ: Thank you, Your Honor. So I was going to  
20 move next to the wage motion, which is at docket 7. This  
21 motion has also been resolved via discussion between Mr.  
22 Blumberg and I, and we got there in two different ways. And  
23 Your Honor, let me know if I should pause a moment so that you  
24 could pull that up if you don't --

25 THE COURT: No, I've got it. I've got it --

1 MR. PASCUZZI: Okay.

2 THE COURT: -- in hard copy.

3 MR. KATZ: So first, it's going to be resolved via the  
4 following unequivocal statement that I'm going to make on  
5 behalf of the debtor, and the statement is as follows. The  
6 right that -- the payments pursuant to the motion will only be  
7 on account of claims entitled to statutory priority and only up  
8 to the amount of the statutory cap. We think that was embodied  
9 in the proposed form of order, but to avoid any confusion,  
10 we're making this statement as well. That's one.

11 And then two, Your Honor, we added some language to  
12 paragraph 9 of the proposed form of order. That's at docket 7  
13 starting at page 31.

14 THE COURT: Okay.

15 MR. KATZ: And I'm looking specifically at paragraph  
16 9, Your Honor, which is at page 33 of 34. And we added a new  
17 sentence at the end of paragraph 9. I'll give you a moment to  
18 get there.

19 THE COURT: Actually, don't. Just go ahead. I'm  
20 going to look through. I --

21 MR. KATZ: Okay. The new language says the  
22 provisions of this paragraph are without prejudice or waiver of  
23 the rights of the United States Trustee, any statutory  
24 committee or committees appointed in this case, or any other  
25 party in interest to object to or otherwise challenge payments



1 made pursuant to this order. And paragraph 9, Your Honor, is  
2 the paragraph that dealt with not making payments to credibly  
3 accuse perpetrators of abuse. So that provision was inserted  
4 to resolve the concern that had been raised in the objection.

5 THE COURT: Well, in all my experience, and I've never  
6 had a objection like that before, it dawned on me that if the  
7 debtor has a known abuser, whether it's a credible accusation  
8 or a incredible one, I wonder why that person is on the  
9 payroll. But secondly, it dawned on me that even if you are an  
10 abuser, which I don't condone, you're still entitled to be  
11 paid. So I don't know how we can ignore the right of a person  
12 to be paid if that person is paid, even though he or she may be  
13 under criticism for something unrelated to the paycheck.

14 So I believe, if I'm not mistaken, in the Oakland  
15 case, there was no limitation. In the Santa Rosa one, there  
16 was something similar. But I guess the way you're suggesting  
17 it, Mr. Katz, is that it's functionally out with a reservation  
18 in case one gets through, right; is that a fair way to say it?

19 MR. KATZ: Yes, Your Honor. I mean, functionally, we  
20 won't be making these payments on account of pre-petition  
21 claims, even if they would otherwise be entitled to priority,  
22 pending some further order of the Court. And to the extent  
23 anybody wants to step forward to challenge that mechanism or a  
24 payment that's been made, they're free to do so.

25 To borrow from Mr. -- I don't know if it was from Mr.

1 Blumberg or from you, Your Honor, it's intended to be sort of a  
2 punt. I think this language has developed over time, in many  
3 cases, with input from a committee, and that when we get a  
4 committee, they'll give us input, and we'll be able to resolve  
5 this at that time. So this is for another day, Your Honor.

6 THE COURT: Yeah. I understand. My point is a  
7 different one. If you have a convicted felon on your payroll,  
8 that felon is still entitled to his paycheck. And one might  
9 question, well, why would there be a convicted felon on the  
10 payroll? Well, that's not for today.

11 So my point is, I think the way we do it is just trust  
12 the system and meanwhile, don't violate applicable law that  
13 protects employees to get paid. And of course, I understand  
14 there is a different issue if you're in bankruptcy, but not if  
15 I'm approving a payroll that pays 130 people that have no  
16 criticism of their conduct and 1 person that perhaps is under a  
17 cloud of criticism. So I'm satisfied with it.

18 Mr. Blumberg, you're satisfied with the reservation  
19 here?

20 MR. BLUMBERG: Yes, Your Honor. Thank you.

21 THE COURT: Okay. Well, then again, I'll do the same  
22 thing I did in the last motion. Is there anyone who wishes to  
23 be heard on what we'll call the wage motion? Raise your hand  
24 and you'll be recognized.

25 Ms. Parada, no hands up?

1 THE CLERK: No, Your Honor.

2 THE COURT: By the way, an interruption again. Mr.  
3 Katz and Mr. Pascuzzi know my staff very well, but Lorena  
4 Parada is my longtime courtroom deputy, and Ms. Ankey Thomas is  
5 my not-quite-as-long judicial assistant. And they are the two  
6 people that make the Court function vis-a-vis the public and  
7 frankly, make my job a lot easier.

8 So you both know them. You principal lawyers know  
9 them. I want you to recognize them, and they are there to  
10 serve everyone in this case in the normal fashion.

11 I just make one other comment. Mr. Katz, I have no  
12 problem with the wage motion. I will say that it is a little  
13 different from many because for cases that aren't as perhaps  
14 high visibility as this case and more simple and less with the  
15 emotions and the history, we get a lot of detail about who's  
16 getting paid what. I recently had a small sandwich shop in  
17 bankruptcy, and the entire payroll was all about eight people  
18 whose -- the highest paid employee made fifteen dollars an  
19 hour.

20 I am not here to complain that there is not a lot of  
21 information about the existing payroll. I know you know, and  
22 if the U.S. Trustee, for example, wishes to have access to that  
23 information as part of their responsibilities, I presume you'll  
24 be cooperative. I don't and am not going to spread it on the  
25 public record, for all the obvious reasons, but that just, it

1 was a little unusual because there wasn't a whole lot of  
2 detail.

3 And same with the so-called credit card debt, but  
4 we've got that resolved?

5 MR. KATZ: Yes, Your Honor.

6 THE COURT: Okay. How did that get resolved?

7 MR. KATZ: At least on an interim basis, it's approved  
8 as granted. The only changes are the ones I've indicated.

9 THE COURT: Okay. Okay.

10 MR. KATZ: I can also --

11 MR. BLUMBERG: Your Honor.

12 THE COURT: Yes.

13 MR. BLUMBERG: I'm sorry to interrupt. This is Jason  
14 Blumberg for the United States. As I read paragraph 9 of the  
15 proposed interim order, I believe it does provide for the  
16 debtor to file a list of the employees to be paid, including  
17 the accrual dates and amounts to be paid and a summary of this  
18 information. So I do think --

19 THE COURT: Okay.

20 MR. BLUMBERG: -- there is an obligation to file  
21 something.

22 THE COURT: Okay. That's fine. Then Mr. Katz, the  
23 motion, what we'll call the wage motion, will be granted,  
24 except as modified with your comments on the record.

25 MR. KATZ: Thank you, Your Honor. So I think that

1 brings us through the first two motions you had asked us to  
2 take up. And we're happy to move to whatever is next on your  
3 list.

4 THE COURT: Well, what's next on my list was really  
5 just what I put in my order. And again, I wrote that order,  
6 including the typo, about the open-ended fee schedule and the  
7 without-a-budget. So I take responsibility for the typo.

8 But I identified the utilities motion, the cash  
9 management motion, and the wages motion as somewhat routine,  
10 and they are. And the same is true with the utilities. So I  
11 don't need to spend any time on it, unless you have something  
12 to report. I presume you haven't heard from any utility in  
13 response to this motion?

14 MR. PASCUZZI: Your Honor, this is Mr. Pascuzzi.  
15 Yeah, that's my motion. I was just going to ask if we could  
16 just consider that one taken care of. I've got no opposition.  
17 The U.S. Trustee didn't have any issues. Haven't heard from  
18 any utilities.

19 THE COURT: Right. Okay. So of course, that's that  
20 motion. And as I told you in the order, unless there is an  
21 objection -- I guess I should go through the formality here.

22 Ms. Parada, would you tell me if a hand is raised by  
23 any party attending the hearing who wishes to be heard on the  
24 utilities motion?

25 THE CLERK: No, Your Honor.

1 THE COURT: Okay.

2 THE CLERK: No one has raised a hand.

3 THE COURT: As promised in the order, that motion's  
4 granted.

5 MR. PASCUZZI: Then Your Honor, this is Mr. Pascuzzi  
6 again. Would you like to turn to the noticing agent motion,  
7 which I think is --

8 THE COURT: Well, I guess so.

9 MR. PASCUZZI: -- the last on the --

10 THE COURT: I must say, that's a concern. And as I  
11 say, I did make a typo in there because I wanted to -- I wanted  
12 to see a -- I said there wasn't an estimate of a budget, but I  
13 left out the word "without". So I hope you knew what I was  
14 talking about.

15 MR. PASCUZZI: I didn't even notice it, Your Honor.  
16 So I got the -- I got the gist.

17 THE COURT: Look, let me put it this --

18 MR. PASCUZZI: Your Honor --

19 THE COURT: Let me put it this way. I haven't met Mr.  
20 Passarello, but Mr. Passarello is the CFO of a complicated  
21 organization. He must know where his money is being spent.  
22 And I bet he knows what the lawyers are charging. And he  
23 should know what the claims agent is going to be charging.

24 I don't know, and the motion doesn't tell me. And it  
25 seems to me that, again, for a case that doesn't compare to

1 some of the mega cases, in terms of numbers, that I have a lot  
2 of experience with that you know about, there shouldn't be a  
3 whole lot of work. For a case with a almost-closed universe of  
4 537 known complaints, how can there be much to do to keep track  
5 of the claims? And so even though we could differ on whether  
6 there needs to be a claims agent, I'll accept that there's to  
7 be a claims agent. But I don't have a sense as to whether the  
8 claims agent is going to be billing a staggering amount of  
9 money or a modest amount of money because there's no clue in  
10 the motion unless I missed it.

11 So that's what's on my mind, and it was also on my  
12 mind -- again, I don't want to put this on you, Mr. Pascuzzi,  
13 but as the lead counsel for two out of three Catholic diocese  
14 pending within fifteen miles of each other, why three different  
15 claims agents? So that's a second question, but you can answer  
16 both of the them.

17 MR. PASCUZZI: Yep. Yep. I've got it, Your Honor.  
18 So let me start with the "why three". Let me just describe the  
19 process.

20 So in Santa Rosa, there are certain claims agents who  
21 have experience in these types of cases. And the reason that  
22 is very important is because the claims agent and noticing  
23 agent are very integral to making sure that survivor  
24 information, names and addresses, are treated and handled  
25 confidentially, properly, that there is no accidental leaks,

1 that nothing gets filed with the Court that accidentally has  
2 somebody's name. Virtually all of these lawsuits that have  
3 been filed are filed under a Doe name for the plaintiff. And  
4 we want to respect that. And we want to -- and we want to take  
5 that into consideration. So having a claims agent who knows  
6 what they're doing, who has substantial experience in handling  
7 these types of cases, who we can trust and rely on to handle  
8 the data the way it should be is very, very important.

9 So the way we did the process of selecting in Santa  
10 Rosa, I did it. I knew of two particular claims agents that  
11 had significant experience. Asked them to give me a bid. They  
12 gave me a bid. I gave it to the client. The client made a  
13 decision on who to hire based on those proposals. Again, my  
14 job was to make sure that we got good deals for the estate, as  
15 well as somebody who knows what they're doing and significant  
16 experience in this case.

17 In the Norwich case, Your Honor, you might not be  
18 aware, but one of the claims agent there, there was a breach of  
19 survivor names and information, and that was an extremely  
20 upsetting and disturbing situation. So Omni, in fact, took  
21 over for the claims agent in Norwich when that happened.

22 And so we wanted to make sure we had the right people  
23 for this job. So that's the process. I did the same thing  
24 here in San Francisco. In Santa Rosa, we ended up hiring  
25 Donlen. In this case, we ended up hiring Omni. Kind of a



1 competitive process, the good old American way, and Omni won  
2 out this time.

3 On the budget situation, Your Honor, the proposed  
4 order provides that the monthly billings by Omni will be served  
5 on, of course, the debtor, but the U.S. Trustee, any committee,  
6 as well as any party requesting notice in the case. So there  
7 will be complete visibility toward what the charges are.

8 There will also be -- any payments will be reported in  
9 the monthly operating reports. The order provides that the  
10 Court retains jurisdiction to review any disputes over any  
11 amounts that Omni is paid in connection with these services.  
12 And that is, we believe that is substantial and sufficient  
13 supervision of what's going on.

14 Plus, I know how much it cost in Santa Rosa, and this  
15 is exactly the way it was set up in Santa Rosa. It's exactly  
16 the way it was set up in Oakland. And so to your comment  
17 earlier about treating the cases similarly, unless there might  
18 be a reason not to, this is exactly how we had it set up in  
19 Santa Rosa. And I did go back and look at the Oakland order to  
20 make sure that this is exactly the same as well.

21 THE COURT: But again, I'm going to ask a rhetorical  
22 question. I don't want Mr. Passarello to answer it, in fact.  
23 But my rhetorical question to Mr. Passarello is, do you know  
24 how much you're paying per month or per quarter for the claims  
25 agent? And the answer -- if he knows the answer, I'm glad to

1 know that he knows it because CFOs are supposed to know things  
2 like that. I don't know it. The public record doesn't know  
3 it.

4 And Mr. Pascuzzi, I'm probably not going to ask you or  
5 Mr. Katz or any other employed counsel to file a proposed legal  
6 budget. But I guess I have to say, I don't think it's out  
7 of -- it's unusual or abnormal to say to the professional --  
8 again, this is not a criticism of Omni -- but say, well, this  
9 is fine. We need somebody to do the right thing. What's it  
10 going to cost?

11 And to answer, oh, well, you can review the bills at  
12 the end of the time isn't a good answer. And so if Mr. Weitz  
13 said it's going to cost 100,000 dollars a month, I probably  
14 would deny the motion without even further discussing it. If  
15 he says it's going to cost 10,000 for the first three months,  
16 different audience.

17 So again, that's my frustration. It is not a  
18 criticism of Omni at all. As you know, we've been used to some  
19 very complex claims agent and noticing in other cases. But I  
20 think I've got to have a sense as to what this is about  
21 because, again, Mr. Pascuzzi, you got to understand, I still  
22 have some question about why it's such a big deal to know --  
23 let me rephrase that.

24 It is a big deal to maintain the confidentiality. I  
25 couldn't agree more. And if there are 537 existing complaints

1 all filed by a Doe, that's understandable. But I doubt that  
2 Mr. Gaspari doesn't know who the complaints are or his trial  
3 counsel, whoever was getting ready to start a trial yesterday.  
4 They know a lot about who the claimants are, I suspect. And  
5 the question is, what else is there to know about? This really  
6 bleeds into the whole question of a claims bar date. This is  
7 a, I believe, almost finite universe of claimants.

8 So I'm having trouble just with whether it's a very  
9 complicated and expensive remedy to do something that should be  
10 more manageable, even though it's important to maintain the  
11 confidentiality, for all the reasons that we both agreed.

12 MR. PASCUZZI: Your Honor, how about this. This is a  
13 large case under the U.S. Trustee fee guidelines, so all of the  
14 lawyers have to provide a budget as part of -- to the client in  
15 terms of our anticipated fees in the case and certify to that  
16 effect in our employment applications. And so why don't we  
17 include a budget from Omni and that gets approved by the Court.  
18 And I'd be happy to report to the Court that the budget has  
19 been provided to the client and it's been approved.

20 And I will say, it wouldn't be at the end of the case  
21 that their fees or monthly fees would be shown. They would be  
22 in each monthly operating report. So you'll know what the fees  
23 are, and you'll have jurisdiction. The order reserves  
24 jurisdiction for anybody to dispute those fees.

25 THE COURT: No, I know all that. But you know --

1 MR. PASCUZZI: Okay.

2 THE COURT: -- and I know that reserving jurisdiction  
3 to review something a year after somebody got paid something is  
4 it's different. Look, I'll take your suggestion of a budget.

5 There's even a simpler answer. If I get a  
6 supplemental declaration for Mr. Passarello that says I'm the  
7 CFO, I'm in charge of keeping the books and making sure this  
8 thing runs, and I'm satisfied that paying the claims agent X  
9 dollars a month or a quarter is within my business judgment,  
10 then I will trust that he's using his judgment, not he was just  
11 handed an employment application and has no idea. And that's  
12 why I don't want him to answer the question.

13 I hope he knows the answer already, but I don't want  
14 him to have to say it. I want to be assured that somebody who  
15 is paying the bill -- not somebody who can complain six months  
16 after the fact that there was a bill that was 500 dollars too  
17 high and they won't adjust it. But somebody who is paying the  
18 bill knows that this is money well spent as part of the run.

19 So I'm not going to belabor the point. I will approve  
20 the claims agent as Mr. (indiscernible) suggested, even though  
21 I still have my reservations about why you need three for three  
22 similar cases. But I'll defer to your judgment on it with a  
23 promise that there'll be such a declaration and a filing and an  
24 explanation from the agent on what its estimated budget is,  
25 and with including recognizing there could be deviations too.

1 Fair enough?

2 MR. PASCUZZI: Fair enough, Your Honor.

3 THE COURT: Okay.

4 MR. PASCUZZI: You did have one other question in  
5 there. I'm not looking to open more questions for myself, but  
6 I didn't want to skip over it --

7 THE COURT: Okay.

8 MR. PASCUZZI: -- about indemnification.

9 THE COURT: Yeah, well, no surprise, right?

10 MR. PASCUZZI: No surprise. I read your policies and  
11 procedures ahead of time on this issue.

12 Your Honor, the indemnity issue, and I'd like to  
13 mention that although the U.S. Trustee did not file an  
14 objection with regard to this, they did ask us to supplement  
15 the exception to indemnification to include not only gross  
16 negligence and willful misconduct but also bad faith, self-  
17 dealing, breach of fiduciary duty, if any, which we've agreed  
18 to do.

19 What I will say on the indemnification provision is  
20 that the order does contain significant provisions that limit  
21 the indemnification, provide for court review, provide that  
22 nobody's getting any indemnification without a motion being  
23 filed on notice. Everybody's rights are reserved. The Court  
24 retains jurisdiction to deal with that.

25 The arbitration provision is not going to control. I

1 confirmed that with Mr. Deutch beforehand. And I believe the  
2 order already kind of covers that, that this Court has  
3 jurisdiction to approve the fees and any disputes over the fees  
4 and any indemnification.

5 These are the exact same terms that were in the Santa  
6 Rosa order as well as the Oakland order. They're very similar  
7 to your terms that were in the PG&E order as well. It's  
8 standard in the industry, is my experience. We believe we've  
9 really tailored this particular order to address these issues  
10 as best as possible.

11 THE COURT: Okay.

12 MR. PASCUZZI: And I think they've satisfied the U.S.  
13 Trustee's office as well.

14 THE COURT: Mr. Pascuzzi, by reminding me of a  
15 question that you didn't really want to answer, you've  
16 satisfied me. I accept your answer and your explanation.

17 And again, Ms. Parada, would you see if a hand goes  
18 up.

19 Does anyone want to be heard on the motion for  
20 selection of the claims agent and all the matters that Mr.  
21 Pascuzzi just described?

22 Any hands --

23 THE CLERK: No one has raised a hand, Your Honor.

24 THE COURT: Okay. Then Mr. Pascuzzi, with that  
25 explanation and the adjustments that you've discussed with Mr.

1 Blumberg and the statements on the record, I will approve that  
2 motion as well.

3 MR. PASCUZZI: Your Honor, just one question as to  
4 that. I don't believe we had set that up as an interim order.  
5 Omni has to do a bunch of work for us, getting the notice of  
6 the bankruptcy out and all of that. Plus they worked very hard  
7 with us in connection with the claims procedures as well.

8 And so while I understand your questions about what's  
9 the big deal. There's only 500 creditors. It really is a big  
10 deal. This is one of the most important parts of the case, in  
11 my view, for due process purposes, proper notice, proper  
12 handling of sensitive survivor information, and we just really  
13 need their help.

14 THE COURT: No, it's not an issue. It's not interim.  
15 It's the order. I'm approving the --

16 MR. PASCUZZI: All right.

17 THE COURT: -- employment. And I wish and want Mr.  
18 Deutch and Omni to understand I didn't come to this with some  
19 complaint or issue about his company. I had no criticism at  
20 all. No basis to. But I also have certain pet peeves, and I  
21 accept the explanations for it.

22 And Mr. Pascuzzi, I couldn't agree with you more about  
23 the sensitivity and the importance of it. But what I call is a  
24 big deal, it's a small number of things, but the sensitivity is  
25 obviously great. Of course. Okay. Let's move on.

1 MR. PASCUZZI: Okay. I think next in your order, Your  
2 Honor, is the insurance program motion, and you had a question  
3 about whether it impacts any existing insurance on the abuse  
4 claims that precipitated the case. While we had assigned this  
5 one to Mr. Katz, I think I can answer it. And if you get into  
6 more detail, maybe not.

7 But the answer is basically no, and there's a  
8 provision in the existing order that we put in there in  
9 paragraph 5 that specifically provides that we are not to pay  
10 any deductibles or self-insured retentions on any of the pre-  
11 petition abuse claims, pending an order confirming a plan or  
12 further order of the Court. The abuse claims will impact  
13 mostly old insurance, not --

14 THE COURT: Right.

15 MR. PASCUZZI: -- the existing insurance that is  
16 governing July 1 to June 30th right now for the debtor. So  
17 I --

18 THE COURT: Well, and that's the answer I expected.  
19 And the point is that the explanation, again, about the  
20 complexity of the various insurance programs that the debtor  
21 has to maintain, again, it's not run of the mill. It's very,  
22 very detailed. And I appreciated learning it.

23 And the more I read and the more I saw how complicated  
24 it was, it struck me that this couldn't possibly impact on the  
25 kind of insurance that you've described for the claims that



1 have been resolved and again, the ones that I know have been  
2 resolved in other cases. And I knew the -- I knew the answer,  
3 but I wanted to -- I mean, I knew what better be the answer,  
4 and you gave me the answer that I expected. So I'm satisfied.

5 And again, Ms. Parada, please see if anyone has raised  
6 a hand wishing to be heard on what we call the insurance  
7 program motion.

8 THE CLERK: No one has raised a hand, Your Honor.

9 THE COURT: No hands up? Okay. Mr. Pascuzzi, I'll  
10 approve that motion.

11 MR. PASCUZZI: Okay. I think --

12 THE COURT: Okay.

13 MR. PASCUZZI: -- we're on to the notice procedures  
14 next.

15 THE COURT: Right.

16 MR. PASCUZZI: Your first question is, is there any  
17 difference in these procedures than the other two cases, Santa  
18 Rosa and Oakland. There's no difference from the Santa Rosa  
19 motion. Basically, it's the same. That's what we modeled this  
20 on. The Oakland motion, though, did have an additional request  
21 for relief that we have not asked for here. And that had to do  
22 with their request to seal the names of all the perpetrators  
23 that hadn't already been publicly disclosed.

24 I think they -- I didn't monitor it closely, but my  
25 understanding is they amended the motion to narrow that, and

1 then Judge Lafferty ruled on it. But the bottom line is that's  
2 not part of this motion in this case. This motion is pretty  
3 much exactly what we did with Santa Rosa, other than the bar  
4 date issue, which I'll explain when we get to that next.

5 THE COURT: Okay. Well, the bar date is obviously the  
6 one that I was most concerned about, so that explanation is  
7 fine.

8 MR. PASCUZZI: Okay. So let me explain. It was my  
9 idea to ask the Court to deal with the bar date, and here's  
10 why. So in Santa Rosa, a bar date got appointed or got set  
11 right away. So that had to go in the notice of the bankruptcy.  
12 It's on the court's docket.

13 And what we thought at the time was we would be able  
14 to get into court, get through all of the first stage of the  
15 case, administrative stuff, get to the committee, negotiate the  
16 claims procedures, get a motion on file, get that approved, and  
17 then be able to send out notices. And it's not just to the 500  
18 people. We have to publish. We have to -- we really canvas  
19 with our notice campaign.

20 THE COURT: Well, but wait. But expand on that. I  
21 mean, again --

22 MR. PASCUZZI: Okay.

23 THE COURT: -- this isn't the 80,000 fire victims in  
24 PG&E. So I mean, you're not going to be spending money on a  
25 Wall Street Journal ad, are you?

1 MR. PASCUZZI: We are going to spend money on one  
2 thing, and the reason, Your Honor, is due process. These  
3 allegations go back to the 1950s. And so we don't know when  
4 somebody out there might have -- a claim might of arose. They  
5 might not be within the jurisdiction of the San Francisco Bay  
6 Area.

7 We don't do extensive publishing in national  
8 newspapers, but we do hit Los Angeles, maybe USA Today or the  
9 Wall Street Journal once. We publish in all the Catholic  
10 newspapers. We send mailing notices to parish mailing lists,  
11 school mailing lists. It is extremely important that the  
12 notice is as broad as possible because otherwise, somebody  
13 could come up later and say, I didn't get notice of anything  
14 here. And we're doing this for the finality of the discharge.

15 So anyway, it is a very important part of it. But and  
16 it takes some time to put all that together. So by the time  
17 you --

18 THE COURT: I got it. Okay. But listen, explain  
19 something to me. I understand the due process, but we also  
20 have a statute of limitations issue. And the State of  
21 California changed the law. And I don't know whether the  
22 people in Sacramento are worried about due process. But if the  
23 claim was barred by the statute of limitations, it's barred,  
24 isn't it?

25 MR. PASCUZZI: No. If they --

1 THE COURT: No?

2 MR. PASCUZZI: -- reopen it again, it's not.

3 THE COURT: Well, has any court said that?

4 MR. PASCUZZI: Your Honor, there's a  
5 (indiscernible) --

6 THE COURT: I mean, is it a statute of limitations, or  
7 is it a -- is it a -- as it a statute of repose? In other  
8 words, can a person who didn't know that he or she had a right  
9 to file a claim assert a claim after the state law deadline has  
10 passed?

11 MR. PASCUZZI: That's exactly what happened on this  
12 reopening, Your Honor -- and this exact issue, and I'm getting  
13 out over my skis here a little bit and I don't want to make any  
14 admissions for the case, but my understanding is that all of  
15 the claims that we're dealing with right now, we're barred by  
16 the statute of limitations. The California legislature  
17 reopened it, revived all of those claims.

18 THE COURT: No, that's right. Understood.

19 MR. PASCUZZI: It can do that again in the future.  
20 And it's in Mr. Gaspari's declaration, there actually is a bill  
21 in California to open the statute of limitations and get rid of  
22 it completely so --

23 THE COURT: No, I understand that. I understand that.  
24 But that's not the law now. And if the California legislature  
25 changes that, I don't know what we do about it in this

1 bankruptcy. I don't want you to speculate either. But --

2 MR. PASCUZZI: What we're going to do -- what I'm  
3 going to do about it is make sure there's as broad a notice as  
4 possible so that there's due process so that the discharge  
5 applies as broadly as possible, regardless of if the statute of  
6 limitations is reopened.

7 THE COURT: Okay. Mr. Gaspari, you have your hand up,  
8 but you don't have to put your hand up when you're already on  
9 the screen. You just need to turn your mic on. Go ahead.

10 MR. GASPARI: I was just going to chime in, Your  
11 Honor, that the limitation period is a terribly moving target.  
12 The statute has been amended several times since the 1980s.  
13 Even aside from the -- what I think Your Honor is alluding to,  
14 sort of the absolute bar date of December 31, which actually,  
15 some lawyers will argue was extended by virtue of the COVID  
16 tolling statutes to June 30, for a certain subset of claimants,  
17 there is actually a discovery period, a three-year -- a three-  
18 year discovery period built into the statute where those  
19 claimants could be out there and have not yet discovered that  
20 they have harm relating back to child sexual abuse. And those  
21 claims may be ripe, irrespective of the 12/31 bar date.

22 THE COURT: Well, I understand. I mean, I understand,  
23 particularly in this very sensitive area, the legislatures have  
24 been moving alone, and I presume they're also happening with  
25 the opioid crisis and other things. But you know, and I

1 presume I think I correctly distinguish between a statute of  
2 limitation and a statute of repose.

3 Now, which is it here? Is it a statute of limitations  
4 or a statute of repose, or do you speculate on that?

5 MR. KATZ: We have argued that it is a statute of  
6 repose all the way to the United States Supreme Court and have  
7 been knocked down a bit.

8 THE COURT: Okay. All right. Let's go back, then, to  
9 you, Mr. Pascuzzi. I still have -- I have some hesitation  
10 about moving the claims bar date. So let's assume that you  
11 believe it's in your client's best interest, and I'll say, the  
12 best interest of claimants, to extend it, to when? I mean,  
13 because I don't want to have a situation where six months from  
14 now we can't get a plan on file because we're still waiting for  
15 the claims deadline.

16 MR. PASCUZZI: Your Honor, I understand that. And  
17 what I was explaining, and I think I didn't quite finish my  
18 explanation, was that with a bar date that's set right now, we  
19 might not be in front of the Court with claims procedures and  
20 an order and mailing it out so that that bar date will give  
21 sufficient notice to claimants. And so what we did in Santa  
22 Rosa, we just vacated it. We filed a motion later, and it was  
23 vacated. Then we filed our claims procedures motion and got a  
24 bar date set.

25 I'm not asking to move it out. I'm not doing

1 anything. But if a notice goes out now with a bar date that  
2 later we file a motion and say we want a different bar date,  
3 there is some confusion.

4 And then there's also the fact that these survivor  
5 claims, all of the claims procedures provide that they're filed  
6 basically confidentiality so that survivors can put their names  
7 on there, have descriptions of what happened, and things like  
8 that, information necessary for us to understand the claim,  
9 understand insurance coverage. So it would not be a good thing  
10 for a survivor to feel like they have to file a claim because  
11 there's a bar date out there without the claims procedures  
12 process already having concluded and had those confidentiality  
13 provisions.

14 Your Honor, having said all that, if you're not  
15 comfortable, deny that part of the motion without prejudice.  
16 If we run into a problem with the deadline coming too soon for  
17 us for where we are, we'll file a motion to vacate it. That's  
18 what we did in Santa Rosa. I just thought maybe to get ahead  
19 of it --

20 THE COURT: I mean, I (indiscernible) I don't like  
21 doing that. Again, Mr. Pascuzzi, I hate to -- you and I have  
22 to stop talking about PG&E, but as you know, in PG&E, we had to  
23 open up a couple of different claims deadlines for obvious  
24 reasons that were not dissimilar. They weren't, again, the  
25 kind of tort that you've described. But as you know, we had

1 thousands of fire victims who we don't even know where they  
2 were. They didn't have homes anymore. And I don't want to put  
3 the debtor or anyone to the expense or the confusion of sending  
4 out a notice and then having to retract that in another notice.

5 But I got to give you a preview. I'm not inclined to  
6 make the proof of claim that has to be filed to be the  
7 equivalent of the twenty-nine-part questionnaire that the fire  
8 victims had to play that I'm going to -- I'm all for the  
9 confidentiality of what a claimant must say to the debtor and  
10 to the committee, but I am not a fan of -- remember, I'm the  
11 author of the BAP decision called Heath. If you remember, the  
12 presumption of validity of a claim can be filed and can apply  
13 if it's almost completely deficient, and it says you've got to  
14 deal with it a different way.

15 I want to be respectful of that principle, but I don't  
16 want to get bogged down in the early weeks of this case with  
17 endless debate about what a proof of claim has to say because I  
18 don't buy it. I believe a proof of claim has to assert, "I  
19 have a claim against the debtor," period. And I don't want to  
20 make it impossible for not fulfilling the goals that you want  
21 to do as due process. I'm not a fan of the kind of money that  
22 gets spent on these massive cases that go out on the Wall  
23 Street Journal. I wonder who in the world ever sees those  
24 notices.

25 But so just keep in mind, I guess I'm willing to keep



1 open for the short period of time a claims bar date. And don't  
2 be surprised if we have a debate about what the proof of claim  
3 has to say compared to what the claimant has to be prepared to  
4 demonstrate to get past what would otherwise be a facial  
5 challenge to say your claim doesn't state a claim for relief.  
6 We know what we're talking about, and if there are 537 known  
7 claimants, those 537, I don't want to make a new rule that  
8 makes life more difficult for them if doing so is necessary to  
9 let some more claimants show up because they don't know about  
10 this bankruptcy until they read about it in the national press.

11 So I hope you understand my thinking on this subject.  
12 And tell me if I'm wrong, I believe, the two Oakland cases,  
13 they are sticking with pretty much that same philosophy; isn't  
14 that correct?

15 MR. PASCUZZI: Yes, Your Honor.

16 THE COURT: Okay. Well, then that's reason enough to  
17 assume that we're going to be consistent with that approach.

18 MR. PASCUZZI: I was just going to say, lucky for us,  
19 I guess, those two motions have been granted. And we see how  
20 they were granted so --

21 THE COURT: Well, I hate to -- I hate to act like I  
22 have a different approach because I don't think I do, but that  
23 one little case that I wrote about fifteen years ago gets a lot  
24 of attention because it simply focuses on the presumption of  
25 validity of a proof of claim, but it doesn't say that the claim

1 fails because someone objects to it because it doesn't have a  
2 lot of detail. So okay.

3 MR. PASCUZZI: Yeah. Our purpose is really on that,  
4 Your Honor, not to get too far ahead of things, is to get  
5 enough information so that we can evaluate the claims and hook  
6 them up with the right insurance policies and get insurers to  
7 pay so we can --

8 THE COURT: I got it. I got it. I got it. But you  
9 cannot get this out of my head that Mr. Gaspari is familiar  
10 with 537 Doe complaints, and he and his legal staff know what  
11 that claimant is asserting and knows whether there is insurance  
12 and all the other kinds of stuff. And I don't want those 537  
13 claimants to have to do anything more than file a proof of  
14 claim that says, see my complaint or see whatever. Do  
15 something, something that at least satisfies the very  
16 traditional statute of -- bankruptcy statute of limitations for  
17 asserting your claim.

18 So I'll accept your suggestion that for now, we  
19 override the Rule that's somewhat unique in our district, I  
20 think. We're really, I believe, in the minority of districts  
21 that have that quick deadline on the claims in a Chapter 11.  
22 But we're going to revisit this early and with some finality  
23 not too long out from now. So keep that in mind.

24 MR. PASCUZZI: Understood, Your Honor, and --

25 THE COURT: Okay.

1 MR. PASCUZZI: -- as soon as the committee is  
2 appointed, it'll be one of the first things we turn to.

3 THE COURT: Okay. Does anyone in the audience want to  
4 raise a hand to be heard on the claims bar date and the other  
5 aspects of the debtor's motion that Mr. Pascuzzi and I have  
6 been talking about at some length, I guess?

7 All right. Ms. Parada, anyone?

8 THE CLERK: No, Your Honor. No one.

9 THE COURT: Okay. That motion will be granted,  
10 subject to the colloquy that we've placed on the record.

11 I guess we're down to survivors assurance assistance,  
12 which seems to be perfectly understandable, and I -- yeah. Do  
13 you want to elaborate on that? I mean, I understand it, and  
14 it's a very modest amount of pre-petition claim and almost not  
15 worth worrying about. I mean, I'll grant it, of course, but is  
16 there anything that you need to talk about or want to raise on  
17 that subject?

18 MR. PASCUZZI: Just one thing, Your Honor. The U.S.  
19 Trustee's office provided us comments. It didn't file a formal  
20 objection because Mr. Blumberg and I had worked out beforehand  
21 that we would add to the paragraph that says we're authorized  
22 to pay pre-petition amounts up to the aggregate of 10,000.

23 I know the motion said we're estimating 4,000 dollars'  
24 worth of pre-petition costs, but I requested for a little bit  
25 of a cushion there, just in case something else came up. And

1 if it ended up being 5,000, and we didn't want to have to spend  
2 the money to file another motion to have more. So the 10,000-  
3 dollar cap amount, I believe, was acceptable to the U.S.  
4 Trustee. Other than that, unless there were some other  
5 questions you had about it, I didn't plan to say anything else.

6 THE COURT: Anyone in the audience want to be heard on  
7 the -- we'll call the survivors assistance program motion?

8 Ms. Parada, any hands up?

9 THE CLERK: No, Your Honor.

10 THE COURT: Okay. That will be granted, thank you,  
11 with that comment with the U.S. Trustee.

12 Mr. Pascuzzi, I'm reminded of another thing, and again  
13 I apologize for keeping referring to that other big case. But  
14 one of the things that was difficult for me, and I asked the  
15 counsel to be mindful of it, is I don't want the proposed order  
16 to be where the real motion is. And I'm fine when there is a  
17 motion and then the debtor has a colloquy with the U.S. Trustee  
18 or a committee or somebody who says, well, we've solved this  
19 problem and we'll fix it in the order. I can read the orders  
20 too.

21 But when I'm given a motion, I want the motion to tell  
22 me what the moving party wants. I don't want to have to read  
23 the motion and then decide whether the order is consistent. I  
24 expect the lawyer to be consistent, to submit an order that's  
25 consistent with the motion that was requested under the thing

1 we all learned in the first year of law school. When you sue  
2 somebody for a certain remedy, you can't put in the judgment  
3 more than you sought in the complaint to begin with.

4 So if there's a motion that says this is what I want  
5 to do, A, B, C, D, but then you submit an order to the Court  
6 that adds E, F, and G, that's not fair. And it is fair,  
7 however, to work out differences and to say to the judge, we've  
8 resolved some disputes or something's come up and we're  
9 changing it. But I don't want to give the impression that I  
10 don't read everything that people submit to me. I try to. But  
11 I don't read proposed orders because I trust that they are  
12 consistent with the motions that I'm asking in the first place.

13 So all I'm asking is that you try to keep that in  
14 mind. And I welcome -- and I obviously welcome completely  
15 dealing with informal objections or things that nobody thought  
16 about ahead of time and fixing them in orders and then just  
17 explaining to it. But I will confess that particularly when I  
18 have a lot of reading to do, I don't read the proposed orders  
19 because I trust the drafter of the order to be consistent with  
20 as the drafter of the request to begin with. Okay. Is that  
21 clear?

22 MR. PASCUZZI: Yeah. And is that in reference to this  
23 survivor assistance motion that I (indiscernible) --

24 THE COURT: No. No, it's just generally. I mean, in  
25 other words --

1 MR. PASCUZZI: Okay.

2 THE COURT: -- and again, I got to make, sure this is  
3 not a criticism. It's just the way I have to be able to deal  
4 with it when their cases are happening. It's not that this  
5 overwhelmed me that I couldn't read it. Of course I read  
6 everything, and I appreciate all the hard work you and Mr. Katz  
7 put together to get us the documents ahead of time. But --

8 MR. PASCUZZI: Okay. Understood.

9 THE COURT: -- I just, I focus on the tradition of  
10 looking at what somebody wants rather than focusing on how they  
11 want what they want memorialized in the form of an order  
12 because it's a temptation to put some awful scary things in  
13 that order that you never put in the motion. Right.

14 MR. PASCUZZI: Understood, Your Honor. Understood.  
15 So do we need to set a final hearing date then, for these? Is  
16 that what you'd like to do next or --

17 THE COURT: Well, this just goes to the final point in  
18 my order. And that is what do you want to do going forward  
19 generally, and then we can kind of circle back. And --

20 MR. PASCUZZI: okay

21 THE COURT: -- we can have -- we can have nothing or I  
22 can give you dedicated days or we can schedule a Chapter 11  
23 status conference. To me, we don't need a Chapter 11 status  
24 conference. We just had one. So I really want you to tell me  
25 what you want and --

1 MR. PASCUZZI: Okay.

2 THE COURT: -- that's my invitation.

3 MR. PASCUZZI: Okay. Thank you, Your Honor. So  
4 upcoming motions, I would expect, just to give you an idea, and  
5 then we can talk about whether we need special days or  
6 something like that, there'll be, of course, the further  
7 hearings on these interim motions. There'll be interim  
8 compensation procedures motion, the claims procedures motion,  
9 probably an ordinary course professionals motion. Not a lot,  
10 in my experience from Santa Rosa, unless something unexpected  
11 comes up.

12 So I don't know that we need a dedicated day. It's  
13 not going to be anything like that other case that we had  
14 since -- we keep mentioning that. It would be good to have the  
15 option for a special day. If Your Honor would prefer -- I  
16 don't know how heavy your normal Friday calendars are. If you  
17 would prefer to set things in this case on Thursdays, that  
18 would work with Katz and I --

19 THE COURT: I can set it on any day. The question  
20 that Ms. Parada and I didn't know and we kind of speculated on  
21 is what kind of a crowd would we get today. We have a limit of  
22 one hundred for a Zoom, and so we were ready to have an  
23 overflow crowd for AT&T.

24 So my prediction is that we probably won't have heavy  
25 crowds, but I also think that as with any complicated case,

1 particularly in its early days, there are times that get  
2 consumed. So I don't like to take something that's likely to  
3 take a lot of time and perhaps a lot of matters that are  
4 unique. I mean, this isn't a run-of-the-mill real estate case  
5 with the first sub lender and the second lender wants adequate  
6 protection. So I would not -- I would rather have a dedicated  
7 time so we can pay attention to everything and not make you  
8 wait through the run-of-the-mill relief from stay calendar  
9 and/or the Chapter 13 calendar.

10 And it happens that here we are on a Thursday  
11 afternoon. It could be on Thursday afternoons. But I want to  
12 accommodate you. Really. We don't have a lot of congestion  
13 that we can't handle. And you can --

14 MR. PASCUZZI: Thursdays would be great, Your Honor.

15 THE COURT: -- think about it if you want also.

16 MR. PASCUZZI: Well, Thursdays would be great. I  
17 talked to Mr. Katz about it, and if that would work for you,  
18 whether it's morning or afternoon and --

19 THE COURT: Well, we should -- personally, it might be  
20 better in the afternoon, but I can make it in the morning.  
21 Would --

22 MR. PASCUZZI: Afternoon's fine.

23 THE COURT: Well, do you know -- from the other case  
24 in Santa Rosa, particularly, do you anticipate that we'll get a  
25 lot of -- a lot of other motions? I mean, I presume there



1 might be some plaintiffs that want relief from stay and the --

2 MR. PASCUZZI: But so far, Your Honor, there's been  
3 one relief from stay motion filed in Santa Rosa. So I'm not  
4 expecting, unless this case turns out to be significantly  
5 different, which it very well could be, substantial on motion  
6 activity.

7 What we've been doing in the Santa Rosa case is Judge  
8 Novack let me set hearings either on his Friday Oakland-Oakland  
9 calendar or his Wednesday Santa Rosa calendar, either one. So  
10 I've just been on the normal law and motion calendar, and the  
11 traffic hasn't been too bad.

12 The other thing about Judge Novak's court, and I think  
13 Judge Lafferty, is they have kind of a hybrid, in-person Zoom  
14 thing. So there have not been crowds in the courtroom. I've  
15 been the only one showing up, and Mr. Blumberg showed up in  
16 person a few times. So I don't know if that's an option for  
17 your court because you did mention live or in person. But just  
18 letting you know what they're doing in this.

19 THE COURT: Well, you don't even know where I am now,  
20 do you?

21 MR. PASCUZZI: I don't.

22 THE COURT: I'm actually in Judge Efremsky's chambers  
23 in Oakland, but I've been conducting routine hearings from my  
24 home. But there were other reasons that I wasn't going to --  
25 didn't do that there. I've discussed with Judge Blumenstiel

1 and my staff about getting back to live hearings in San  
2 Francisco for all the more obvious reasons.

3 And that's when it occurred to me, even though I know  
4 where you hang out, not in Oklahoma or San Francisco. I know  
5 where Mr. Katz is. I haven't seen Mr. Gaspari in a long time,  
6 but he used to be in San Francisco. I assume he still is. And  
7 of course, this is the diocese in San Francisco. So to me,  
8 it -- and the archbishop.

9 So it seems to me that the hearings belong in San  
10 Francisco, just because this is San Francisco, and San  
11 Francisco is my home base. But it's also convenient to be able  
12 to do it like this. And if we were going to have evidentiary  
13 hearing, testimony, cross-examination, then for sure. I have  
14 to tell you, I'm not a fan of the so-called hybrid, even if  
15 Judge Lafferty is, because it's a bit of a nuisance, frankly,  
16 from a technical point of view because you have to have  
17 different sound arrangements and feedback and so on.

18 So I think what I'd prefer to do, at least for the  
19 short-term, is just continue to be on Zoom, but with the  
20 promise that if there's a reason, any reason, to why you think  
21 a in-person hearing would be favorable, I certainly will  
22 accommodate you. It's not that I can't come to San Francisco.  
23 It's where I spent my entire law practice and judge practice  
24 until COVID.

25 And so how about this. What if we give you sort of a

1 Archbishop case every other Thursday, or at least Thursday two  
2 weeks from now and maybe two after that and two after that for  
3 the short-term, recognizing that anyone filing any kind of  
4 motion or the routine motions that you wish to have heard,  
5 we'll put on that, say, 1:30 Thursday calendar. And I'll put  
6 it on the open calendar, and if somebody wishes to, much like  
7 we've done in so many other cases, and my open calendar is  
8 there. But the point is, if it's one matter that can be  
9 handled in two minutes or it's ten matters that take three  
10 hours, it won't get cluttered up with all the other matters  
11 that we all have to handle. And so does that work for you?

12 MR. PASCUZZI: We really appreciate that, Your Honor.  
13 We appreciate your flexibility in that as well, definitely.

14 THE COURT: Ms. Parada, why don't we give all counsel  
15 and on the record, let's say the next three 1:30 Thursdays  
16 beginning two weeks, four weeks, six weeks, and then perhaps  
17 for now, we won't post anything after that. But Mr. Pascuzzi  
18 or Mr. Katz might be in touch with you and work out something  
19 for the future. But at least we'll have the default is the  
20 Archbishop case will be on Thursday afternoons.

21 MR. PASCUZZI: Your Honor, one requested tweak to  
22 that. I mean, we were thinking that a final hearing on these  
23 motions might be good on the 14th, September 14th. So --

24 THE COURT: Oh, okay.

25 MR. PASCUZZI: -- if the Court's available, that's

1 three weeks out. And the reason I say that is because it gives  
2 time for a committee to be appointed and to get counsel. It  
3 may just happen at that point in time, and we may have to  
4 continue those hearings. But then if you went three, then  
5 another two weeks, two weeks, like you were saying.

6 THE COURT: Okay. So three, five, seven. In other  
7 words, no hearing for until September 14?

8 MR. PASCUZZI: That's what I was thinking.

9 THE COURT: Okay. Ms. Parada, can we accommodate  
10 those dates?

11 THE CLERK: Yes, Your Honor. September 14th at 1:30  
12 is available.

13 THE COURT: Okay. And then two weeks after that?

14 THE CLERK: September 28th at 1:30 is available. And  
15 October 12 at 1:30 is available.

16 THE COURT: Okay. Mr. Pascuzzi, what we'll do for --  
17 I'm stating this on the record. Ms. Parada just said it. I'm  
18 putting on our calendar the hearing, we'll call the  
19 continued -- excuse me, the motions that were styled and not  
20 disposed of today that were interim relief are continued to  
21 September 14th at 1:30 for either continued interim or final,  
22 as appropriate. And that date, September 28th and October  
23 12th, will be posted on our court's calendar as dedicated for  
24 Archbishop debtor cases. And that means that if somebody wants  
25 to file something, they have to pick those dates unless they

1 work out something or there's reason to put it on some other  
2 schedule, the same way we would do any case that has to be set  
3 on an expedited basis. That work?

4 MR. PASCUZZI: Yes, Your Honor. The one caveat there  
5 is that the September 28th date is when the 341 meeting is.  
6 But I don't know that we'll have any hearings for that date or  
7 not. And we've got cocounsel here, so we've got enough bodies  
8 to cover these.

9 THE COURT: Well, what time is that going to be, in  
10 that (indiscernible) --

11 MR. PASCUZZI: 10 o'clock. 10 o'clock.

12 THE COURT: Well, I mean, do you -- but I mean, do you  
13 expect it to be several hours? I think the -- I think the  
14 principal -- I mean, I don't want -- your cocounsel is fine,  
15 but I don't want anybody to have to be in two places at the  
16 same time. So what would you like me to do? Want me to --  
17 want me just move that date to the next day or something  
18 different?

19 Actually, the last the last day of every month in the  
20 afternoon is our AP status conference. But no, I mean, look,  
21 we can fix this right now by making the 28th something, make it  
22 on the Wednesday, the day before, if that's available. I think  
23 your client would presumably want its principal lawyers  
24 available for both the 341 and the continued hearing, and I  
25 don't want to interfere with that process.

1 Ms. Parada, is Wednesday the 27th available?

2 THE CLERK: Yes, Your Honor, it's available.

3 THE COURT: Mr. Pascuzzi, which of those choices do  
4 you prefer?

5 MR. PASCUZZI: Let's go with the 27th. Sorry --

6 THE COURT: Okay.

7 MR. PASCUZZI: -- I was looking at my calendar too.

8 THE COURT: Okay. So we're booking three Thursdays.  
9 However, the second of the three Thursdays is actually a  
10 Wednesday. So Thursday, September 14th, 1:30, Wednesday,  
11 September 27th, 1:30, Thursday, October 12th, 1:30, those are  
12 what we're scheduling for the short-term future of Archbishop  
13 cases. And for now, they will all be remote with Zoom. But if  
14 there's a reason to go back to something more traditional,  
15 we'll do so.

16 MR. PASCUZZI: And we would just contact Ms. Parada if  
17 we want to request a in-person or something?

18 THE COURT: Of course. And the same --

19 MR. PASCUZZI: Okay.

20 THE COURT: -- if you want to adjust the time or set  
21 something specially --

22 MR. PASCUZZI: Okay.

23 THE COURT: -- just like always.

24 THE CLERK: Excuse me, Your Honor. Will the clerk's  
25 office issue a status conference?

1 THE COURT: Oh, so now, do you want -- I'm not a fan,  
2 Mr. Pascuzzi, that some my colleagues do, of just setting  
3 Chapter 11 status conferences just for the sake of it when I've  
4 already essentially had the status conference. So do you see  
5 any reason why we should separately set a Chapter 11 status  
6 conference?

7 MR. PASCUZZI: Your Honor, at this point, if we could  
8 say no, and then we could revisit it on the 14th if we change  
9 our minds at that point. But I think you're right. We'll be  
10 in front of the Court and can update you on what's going on.

11 THE COURT: Well, remember, my standard Chapter 11  
12 order says at the status conference, sometimes it really is the  
13 first day, and it's be prepared to tell me what your exit  
14 strategy is, what your plan -- what your plan for a plan is.  
15 As you know, sometimes the debtor says, I'm not going to file a  
16 plan. I'm going to sell all the assets and dismiss. That's  
17 fine. Or somebody will say, well, it's a sub V and we're going  
18 to have a plan on file. And some will say, we don't know what  
19 we're doing. And I don't care. I'm not pressing this debtor  
20 three days into the case to commit to a plan deadline.

21 So let's do this. Those dates are available for you  
22 and your client. If you want to call it a status report or to  
23 discuss something that you don't want to -- don't have a good  
24 name for it, call it a status conference, and we'll deal with  
25 it. I don't want to get bogged down on labels. What we really

1 want to do is make sure we can accommodate your needs, but also  
2 the needs of your opponents, whoever they are. Okay.

3 MR. PASCUZZI: We really appreciate that, Your Honor.

4 THE COURT: Okay.

5 MR. PASCUZZI: One more thing I wanted to inform the  
6 Court of, we will be filing an application to extend the time  
7 to file schedules. I'm aware of Your Honor's policies and  
8 procedures, that you don't like to grant those beyond thirty  
9 days, so we're not -- after the petition date. We're not going  
10 to ask for more than that, but we will probably need until the  
11 21st of September.

12 THE COURT: Okay.

13 MR. PASCUZZI: We'll do our best to get it done before  
14 then. But I communicated with Mr. Blumberg, that particular  
15 timing in connection with him setting the 341 meeting date and  
16 the initial debtor interview date. So I just thought I'd let  
17 the Court know as well that that's coming.

18 THE COURT: No, that's helpful. And if necessary,  
19 I've been known to, say, get certain schedules on file no  
20 matter what if you don't have all the other ones. I'm not  
21 going to worry about it in this case. The debtor is well-  
22 counseled with experience. The two of you experienced. Mr.  
23 Blumberg is watching the store for the U.S. Trustee. And so if  
24 you need time to complete the schedules, I'm not going to stand  
25 in the way. Not worried about that.



1 MR. PASCUZZI: And then I'd --

2 THE COURT: Okay.

3 MR. PASCUZZI: -- just ask if Mr. Katz has anything  
4 else, any comments or anything if --

5 MR. KATZ: Nothing from me, Your Honor.

6 THE COURT: Well, and one more time to the audience.  
7 Does anyone wish to be heard on any matter that we discussed  
8 and have any questions or concerns about what I've just been  
9 discussing for the last hour or so with counsel?

10 MR. BLUMBERG: Your Honor, this is Jason Blumberg.  
11 May I make two quick kind of early case status comments?

12 THE COURT: Yes, sir.

13 MR. BLUMBERG: The first is, I just wanted to inform  
14 the Court, as the Court probably expects, that on the petition  
15 date, the United States Trustee began the process of soliciting  
16 creditors for the appointment of a committee or committees,  
17 plural.

18 And then the second quick kind of status point I  
19 wanted to make was that after this hearing, my office will be  
20 initiating a discussion with debtor's counsel regarding whether  
21 the appointment of a fee examiner may be appropriate. We  
22 always consult with the debtor and the committee in assessing  
23 whether a fee examiner may be necessary. And so to the extent  
24 a committee or committees are appointed, we will also consult  
25 with their counsel before taking any sort of action or coming

1 to any sort of decision on that issue, Your Honor.

2 THE COURT: Okay. Actually, Mr. Blumberg, your  
3 comment reminds me of something I meant to ask Mr. Pascuzzi.

4 Tell me if I'm wrong. I would assume that your focus  
5 is obviously on the survivors and the abuse claims -- that's  
6 what's driven the Archbishop to put the debtor into  
7 bankruptcy -- and that other creditors are almost incidental,  
8 not incidental in a sense that they aren't significant amount  
9 of money, but more likely than not they'll be unimpaired and  
10 treated under a plan like more ordinary course and that all the  
11 action is going to be with the survivors and their counsel and  
12 the kinds of things that you and I both know is what is endemic  
13 for these cases. And is that a fair assumption?

14 MR. PASCUZZI: That's a fair assumption, Your Honor.  
15 Yes.

16 THE COURT: Yeah. I mean, see, that's relevant also  
17 to things like claims bar date because chances are there may  
18 not even be any claims filed because if your schedules are  
19 complete and somebody that's owed money for some service that  
20 was rendered and scheduled correctly, that person doesn't even  
21 have to file a claim.

22 So I'm not changing my view on whether when the claims  
23 bar date is. I understand we're having two claims bar dates  
24 for this case because despite the U.S. Trustee definitions or  
25 the Administrative Office of U.S. Courts' definition of mega

1 cases, to me, mega case is really more proper function for the  
2 complexity of the creditor problems you're dealing with, not  
3 just the asset side. So again, I'm not holding you to that.  
4 It's what I anticipated, and this is all about dealing with the  
5 abuse claimants.

6 Okay. Last call. Does anyone in the audience wish to  
7 be heard or raise any question? Raise your hand now, and I'll  
8 call on you.

9 Ms. Prada, as you see, she's very good gatekeeper  
10 here.

11 THE CLERK: No, Your Honor. No one has raised a hand.

12 THE COURT: All right. Mr. Pascuzzi, Mr. Katz, Mr.  
13 Blumberg, Mr. Gaspari, you're still on the screen, thank you  
14 for participating and for informing me. And I'm going to thank  
15 you for your attendance and conclude the hearing.

16 MR. PASCUZZI: Thank you, Your Honor.

17 MR. KATZ: Thank you, Your Honor.

18 MR. GASPARI: Thank you, Your Honor.

19 (Whereupon these proceedings were concluded at 3:04 PM)  
20  
21  
22  
23  
24  
25

## I N D E X

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Debtor's cash accounts motion is granted, as  
modified on the record

23 16

Debtor's wage motion is granted, as modified  
on the record

28 22

Debtor's utilities motion is granted

30 3

Debtor's claims agent selection motion is  
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the U.S. Trustee and statements made on the  
record

38 24

Debtor's insurance program motion is granted

41 9

Debtor's claims bar date motion is granted,  
subject to statements made on the record

51 9

Debtor's survivors assistance program motion  
is granted

52 10

## C E R T I F I C A T I O N

I, River Wolfe, certify that the foregoing transcript is a true  
and accurate record of the proceedings.



---

/s/ RIVER WOLFE, CDLT-265

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Date: August 31, 2023

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